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PETITION TO THE DIRECTOR UNDER 37 CFR § 1.181	Attorney Docket No.	AREN-007CON2 (7.US29.CON)
	Confirmation No.	3273
	First Named Inventor	Rouping Chen
	Application Number	10/723,955
	Filing Date	November 26, 2003
	Group Art Unit	1646
Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Examiner Name	Nirmal Basi
	Title:	"*CONSTITUTIVELY ACTIVATED HUMAN G PROTEIN COUPLED RECEPTORS*"

Sir:

In this petition, the Director is requested to review the Examiner's communication of February 28, 2008, which asserts that the Applicants' response of November 5, 2007, is non-responsive. The Applicants believe that the communication was sent in error and should be withdrawn. The fact pattern described in this petition is very similar to the fact pattern that described in a petition by the undersigned in 10/523,100. The petition filed in 10/523,100 was granted.

The Examiner's communication states that the Applicants' response is non-responsive because the Applicants' response presents only claims directed to a non-elected invention. The Applicants request review of the communication for the reasons set forth below.

In response to the Restriction Requirement of October 10, 2006, the Applicants elected Group III claims (claims 33-35), directed to a method of screening to identify modulators of human TDAG8. SEQ ID NO:82 sets forth the amino acid sequence of a wild-type human TDAG8. The first Office Action in this case was subsequently sent to Applicants on May 9, 2007. In response to the first Office Action, claims 33-35 and 51-68 were cancelled and new claims 69-87 were added. To facilitate the Director's analysis, claims 33 (now cancelled) and 69 (newly added) are attached hereto as Exhibit A and Exhibit B, respectively.

While the scope of the new and old claim sets may be different, the Applicants submit that both claim sets are directed to a method of identifying a modulator of TDAG8. As such, it is the Applicants' belief that both claim sets are directed to elected subject matter.

In view of the foregoing discussion, the Director is requested to review the Examiner's communication dated February 28, 2008. The Applicants believe it was sent in error, and should be withdrawn.

If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at (650) 833 7723.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number AREN-007CON2.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: March 6, 2008

By: /James S. Keddie, Reg. No. 48,920/
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EXHIBIT A

CLAIM 33 (NOW CANCELLED)

33. **(Now cancelled)** A screening method for identifying a compound as a pharmaceutical agent for the treatment of a disease or disorder ameliorated increasing intracellular level of cAMP in peripheral blood leukocytes, said method comprising:

(a) contacting a candidate compound with a host cell or membrane thereof that comprises a G protein-coupled receptor (GPCR), wherein said GPCR comprises an amino acid sequence that is at least 80% identical to the amino acid sequence of SEQ ID NO:82; and

(b) measuring the ability of the compound to act as an agonist or partial agonist of the GPCR;

wherein an ability to act as an agonist or partial agonist of the GPCR indicates that the compound can be employed as a pharmaceutical agent for the treatment of said disease or disorder.

EXHIBIT B

CLAIM 69 (NEWLY ADDED)

69. (**Newly added**) A method of screening for a compound that increases cAMP levels in peripheral blood leukocytes, comprising:

(a) contacting a candidate compound with a G protein-coupled receptor (GPCR) that is present on the surface of a recombinant host cell or isolated membrane thereof, wherein said GPCR comprises an amino acid sequence that is at least 80% identical to the amino acid sequence of SEQ ID NO:82;

(b) determining if said candidate compound is an agonist of said GPCR; and

(c) determining if said agonist increases cAMP levels in a peripheral blood leukocyte.